

Calendar No. 623

105TH CONGRESS
2^D Session

S. 2136

A BILL

To provide for the exchange of certain land in the
State of Washington.

SEPTEMBER 25, 1998

Reported with an amendment

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105TH CONGRESS
2D SESSION**S. 2136**

To provide for the exchange of certain land in the State of Washington.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 1998

Mr. GORTON introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

SEPTEMBER 25, 1998

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for the exchange of certain land in the State
of Washington.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Interstate 90 Land
5 Exchange Act of 1998”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 ~~(a) FINDINGS.—Congress finds that—~~

1 (1) certain parcels of private land located in
2 central and southwest Washington are intermingled
3 with National Forest System land owned by the
4 United States and administered by the Secretary of
5 Agriculture as parts of the Mt. Baker-Snoqualmie
6 National Forest, Wenatchee National Forest, and
7 Gifford Pinchot National Forest;

8 (2) the private land is owned by the Plum
9 Creek Timber Company, L.P. in an intermingled
10 checkerboard pattern, with the United States or
11 Plum Creek owning alternate square mile sections of
12 land or fractions of square mile sections;

13 (3) the checkerboard land ownership pattern in
14 the area has frustrated sound and efficient land
15 management on both private land and national for-
16 est land by complicating fish and wildlife habitat
17 management, watershed protection, recreation use,
18 road construction and timber harvest, boundary ad-
19 ministration, and protection and management of
20 threatened and endangered species and old growth
21 forest habitat;

22 (4) acquisition by the United States of certain
23 parcels of land that have been offered by Plum
24 Creek for addition to the Mt. Baker-Snoqualmie Na-
25 tional Forest, Wenatchee National Forest, and Gif-

ford Pinchot National Forest would serve important public objectives, including—

(A) enhancement of public access, aesthetics, and recreation opportunities within or near areas of very heavy public recreational use, including—

(i) the Alpine Lakes Wilderness Area;

(ii) the Pacific Crest Trail;

(iii) Snoqualmie Pass;

(iv) Cle Elum Lake, Kachess Lake, and Keechulus Lake; and

(v) other popular recreation areas along the Interstate 90 corridor east of the Seattle-Tacoma metropolitan area;

(B) protection and enhancement of old growth forests and habitat for threatened, endangered, and sensitive species, including a net gain of approximately 22,000 acres of critical habitat for the northern spotted owl;

(C) consolidation of national forest holdings for more efficient administration and to meet a broad array of ecosystem protection and other public land management goals, including net public gains of approximately 173 miles of stream ownership, 14 miles of the route of the

1 Pacific Crest Trail, 12,800 acres of unroaded
2 land, and 4,000 acres of riparian land; and

3 ~~(D)~~ a significant reduction in administra-
4 tive costs to the United States through—

5 (i) consolidation of Federal land hold-
6 ings for more efficient land management
7 and planning;

8 (ii) elimination of approximately 300
9 miles of boundary identification and post-
10 ing;

11 (iii) reduced right-of-way, special use,
12 and other permit processing and issuance
13 for roads and other facilities on National
14 Forest System land; and

15 (iv) other administrative cost savings;

16 ~~(5)~~ Plum Creek has selected certain parcels of
17 National Forest System land that are logical for
18 consolidation into Plum Creek ownership via a land
19 exchange because the parcels—

20 ~~(A)~~ are intermingled with parcels owned by
21 Plum Creek; and

22 ~~(B)~~(i) are generally located in less environ-
23 mentally sensitive areas than the Plum Creek
24 offered land; and

1 (ii) have lower public recreation and other
 2 public values than the Plum Creek offered land;
 3 (6) time is of the essence in consummating a
 4 land exchange because delays may force Plum Creek
 5 to road or log the offered land and thereby diminish
 6 the public values for which the offered land is to be
 7 acquired; and

8 (7) it is in the public interest to complete the
 9 land exchange at the earliest practicable date so that
 10 the offered land can be acquired and preserved by
 11 the United States for permanent public manage-
 12 ment, use, and enjoyment.

13 (b) PURPOSE.—The purpose of this Act is to further
 14 the public interest by authorizing, directing, facilitating,
 15 and expediting the consummation of the Interstate 90
 16 land exchange so as to ensure that the offered land is ex-
 17 peditionously acquired for permanent public use and enjoy-
 18 ment.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) OFFERED LAND.—The term “offered land”
 22 means the land described in section 4(b) to be con-
 23 veyed into the public ownership of the United States
 24 under this Act.

1 (2) PLUM CREEK.—The term “Plum Creek”
 2 means the Plum Creek Timber Company, L.P., a
 3 Delaware Limited Partnership, or its successors,
 4 heirs, or assigns.

5 (3) SECRETARY.—The term “Secretary” means
 6 the Secretary of Agriculture.

7 (4) SELECTED LAND.—The term “selected
 8 land” means the land described in section 4(e) to be
 9 conveyed into the private ownership of Plum Creek
 10 under this Act.

11 **SEC. 4. LAND EXCHANGE.**

12 (a) CONDITION.—The exchange directed by this sec-
 13 tion shall be consummated if, not later than 180 days
 14 after the date of enactment of this Act, Plum Creek offers
 15 to transfer to the United States the offered land.

16 (b) CONVEYANCE OF OFFERED LAND BY PLUM
 17 CREEK.—In accordance with this Act, Plum Creek shall
 18 convey to the United States by deed acceptable to the Sec-
 19 retary all right, title, and interest of Plum Creek in and
 20 to the following offered land:

21 (1) Certain land comprising approximately
 22 6,460 acres and located within the exterior bound-
 23 aries of the Mt. Baker-Snoqualmie National Forest,
 24 Washington, as generally depicted on a map entitled
 25 “Interstate 90 Land Exchange”, dated April 1998.

1 (2) Certain land comprising approximately
 2 53,530 acres and located within or adjacent to the
 3 exterior boundaries of the Wenatchee National For-
 4 est, Washington, as generally depicted on a map en-
 5 titled "Interstate 90 Land Exchange", dated April
 6 1998.

7 (3) Certain land comprising approximately 400
 8 acres and located within the exterior boundaries of
 9 the Gifford Pinchot National Forest, Washington, as
 10 generally depicted on a map entitled "Interstate 90
 11 Land Exchange", dated April 1998.

12 (c) CONVEYANCE OF SELECTED LAND BY THE
 13 UNITED STATES.—On receipt of title to the offered land,
 14 the Secretary shall simultaneously convey to Plum Creek
 15 all right, title and interest of the United States, subject
 16 to valid existing rights, in and to the following selected
 17 land:

18 (1) Certain land administered, as of the date of
 19 enactment of this Act, by the Secretary of Agri-
 20 culture as part of the Mt. Baker-Snoqualmie Na-
 21 tional Forest, Washington, and comprising approxi-
 22 mately 12,305 acres, as generally depicted on a map
 23 entitled "Interstate 90 Land Exchange", dated April
 24 1998.

1 (2) Certain land administered, as of the date of
 2 enactment of this Act, by the Secretary of Agri-
 3 culture as part of the Wenatchee National Forest,
 4 Washington, and comprising approximately 14,665
 5 acres, as generally depicted on a map entitled
 6 “Interstate 90 Land Exchange”, dated April 1998.

7 (3) Certain land administered, as of the date of
 8 enactment of this Act, by the Secretary of Agri-
 9 culture as part of the Gifford Pinchot National For-
 10 est, Washington, and comprising approximately
 11 13,520 acres, as generally depicted on a map enti-
 12 tled “Interstate 90 Land Exchange”, dated April
 13 1998.

14 **SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALI-**
 15 **ZATION.**

16 (a) **EQUAL VALUE EXCHANGE.**—

17 (1) **IN GENERAL.**—The values of the offered
 18 land and selected land—

19 (A) shall be equal; or

20 (B) if the values are not equal, shall be
 21 equalized in accordance with subsection (c).

22 (2) **APPRAISALS.**—The values of the offered
 23 land and selected land shall be determined by ap-
 24 praisals using nationally recognized appraisal stand-
 25 ards, including, to the extent appropriate, the Uni-

1 form Appraisal Standards for Federal Land Acquisi-
 2 tions (1992), the Uniform Standards of Professional
 3 Appraisal Practice, and section 206(d) of the Fed-
 4 eral Land Policy and Management Act of 1976 (43
 5 U.S.C. 1716(d)).

6 ~~(3) APPROVAL BY THE SECRETARY.~~—The ap-
 7 praisals, if not completed by the date of enactment
 8 of this Act, shall be completed and submitted to the
 9 Secretary for approval not later than 90 days after
 10 the date of enactment of this Act.

11 ~~(4) RESOLUTION OF DISAGREEMENT.~~—If the
 12 Secretary and Plum Creek are unable to agree on
 13 the appraised value of a parcel of land, the appraisal
 14 or the appraisal issue in dispute shall be resolved in
 15 accordance with section 206(d) of the Federal Land
 16 Policy and Management Act of 1976 (43 U.S.C.
 17 1716(d)).

18 ~~(b) APPRAISAL ASSUMPTION.~~—

19 ~~(1) FINDINGS.~~—Congress finds that—

20 ~~(A)~~ many of the parcels of offered land
 21 and selected land are located in areas that have
 22 been or may be designated as critical habitat
 23 for species determined to be threatened or en-
 24 dangered under the Endangered Species Act of
 25 1973 (16 U.S.C. 1531 et seq.); and

(B) such a designation can make traditional appraisals of land difficult absent specific guidance from Congress due to present and future uncertainties relating to the duration, scope, and nature of restrictions that may be imposed on the offered land or selected land as a result of such a designation with respect to future timber harvest and other development activities.

(2) APPRAISAL AT HIGHEST AND BEST USE VALUE.—In order to ensure the equitable and uniform appraisal of both the offered and selected lands directed for exchange by this Act, all appraisals under subsection (a) shall determine the highest and best use of the offered land and selected land in accordance with applicable provisions of the Washington State Forest Practices Act, including alternative measures for protecting critical habitat under Washington Administrative Code 222-16-080-(6).

(c) APPRAISAL PERIOD.—After the final appraised values of the offered land and selected land or any portion of the land has been approved by the Secretary or otherwise determined under section 206(d) of the Federal Land Policy and Management Act (43 U.S.C. 1716(d)), the value shall not be reappraised or updated before con-

1 summation of the land exchange under section 4, except
 2 for any adjustments in value as may be required under
 3 subsection (d).

4 (d) INTERIM TIMBER HARVEST.—The fair market
 5 value of any timber harvested on the offered land or se-
 6 lected land (as determined by the appraisal required under
 7 subsection (a)) shall be deducted from the final approved
 8 appraised value of the land for purposes of value equali-
 9 zation under subsection (a).

10 (e) EQUALIZATION IF SURPLUS OF OFFERED
 11 LAND.—

12 (1) IN GENERAL.—If the final appraised value
 13 of the offered land exceeds the final appraised value
 14 of the selected land—

15 (A) the Secretary shall make a cash equali-
 16 zation payment to Plum Creek subject to the 25
 17 percent limitation under section 206(b) of the
 18 Federal Land Policy and Management Act of
 19 1976 (43 U.S.C. 1716(d)); or

20 (B) if the Secretary does not have suffi-
 21 cient funds available to make the required cash
 22 equalization payment, Plum Creek shall delete
 23 offered land from the exchange in the order
 24 stated in paragraph (2) until the values are ap-
 25 proximately equal.

1 ~~(2) ORDER OF DELETION.—~~Deletions under
2 paragraph ~~(1)~~ shall be made in the following order:

3 ~~(A) Township ____ North, Range ____~~
4 ~~East, Section ____; Willamette Meridian.~~

5 ~~(B) Township ____ North, Range ____~~
6 ~~East, Section ____; Willamette Meridian.~~

7 ~~(C) Township ____ North, Range ____~~
8 ~~East, Section ____; Willamette Meridian.~~

9 ~~(D) Township ____ North, Range ____~~
10 ~~East, Section ____; Willamette Meridian.~~

11 ~~(f) EQUALIZATION IF SURPLUS OF SELECTED~~
12 ~~LAND.—~~

13 ~~(1) IN GENERAL.—~~If the final appraised value
14 of the selected land exceeds the final appraised value
15 of the offered land—

16 ~~(A) the Secretary shall delete selected land~~
17 ~~from the exchange in the order stated in para-~~
18 ~~graph (2) until the values are approximately~~
19 ~~equal; or~~

20 ~~(B) at the election of Plum Creek, Plum~~
21 ~~Creek shall receive conveyance of the land that~~
22 ~~the Secretary proposes to delete under subpara-~~
23 ~~graph (A) and equalize the exchange values by~~
24 ~~making a cash equalization payment to the~~
25 ~~United States, subject to the 25 percent limita-~~

1 tion of section 206(b) under the Federal Land
 2 Policy and Management Act of 1976 (43 U.S.C.
 3 1716(d)).

4 ~~(2) ORDER OF DELETION.—~~Deletions under
 5 paragraph ~~(1)~~ shall be made in the following order:

6 ~~(A)~~ Township ____ North, Range ____
 7 East, Section ____; Willamette Meridian.

8 ~~(B)~~ Township ____ North, Range ____
 9 East, Section ____; Willamette Meridian.

10 ~~(C)~~ Township ____ North, Range ____
 11 East, Section ____; Willamette Meridian.

12 ~~(g) USE OF PROCEEDS BY THE SECRETARY.—~~The
 13 amount of any cash equalization payment received by the
 14 Secretary under this section shall be retained by the Sec-
 15 retary and may be used by the Secretary to purchase land
 16 from willing sellers in the State of Washington for addi-
 17 tion to the National Forest System.

18 **SEC. 6. MISCELLANEOUS PROVISIONS.**

19 ~~(a) STATUS OF LAND AFTER EXCHANGE.—~~

20 ~~(1) LAND ACQUIRED BY THE SECRETARY.—~~

21 ~~(A) IN GENERAL.—~~Land acquired by the
 22 Secretary under this Act shall become part of
 23 the Mt. Baker-Snoqualmie Forest, Wenatchee
 24 Forest, or Gifford Pinchot National Forests, as
 25 determined by the Secretary.

1 (B) MODIFICATION OF BOUNDARIES.—If
 2 any land acquired by the Secretary lies outside
 3 the exterior boundaries of the national forests
 4 identified in subparagraph (A), the Secretary
 5 shall modify the boundaries of the appropriate
 6 forest to include the land.

7 (C) MANAGEMENT.—Land acquired by the
 8 Secretary under this Act shall be managed in
 9 accordance with the Act of March 1, 1911
 10 (commonly known as the “Weeks Law”), and
 11 with the other laws (including regulations) ap-
 12 plicable to the National Forest System.

13 (2) LAND ACQUIRED BY PLUM CREEK.—Land
 14 acquired by Plum Creek under this Act shall become
 15 private land for all purposes of law, unless the pat-
 16 ent by which conveyance is made to Plum Creek con-
 17 tains a specific reservation.

18 (b) ACCESS TO LAND ACQUIRED BY PLUM CREEK.—

19 (1) PARCELS TO WHICH EXISTING ACCESS IS
 20 ADEQUATE.—

21 (A) FINDING.—Except with respect to par-
 22 cels of land described in paragraph (2), Con-
 23 gress finds that Plum Creek will have adequate
 24 post-exchange access to the selected land over

existing primary, secondary, or other national forest routes or over existing Plum Creek roads.

(B) ROAD CLOSING.—If the Secretary determines to close any such existing national forest road to general public use, the Secretary shall, if requested by Plum Creek—

(i) keep the road open for use by Plum Creek; or

(ii) if the road is closed, shall, before the road is closed, provide Plum Creek with an alternative access road that is acceptable to Plum Creek.

(2) PARCELS NEEDING ADDITIONAL ACCESS.—

(A) FINDING.—Congress finds that with respect to the following parcels of selected land, the Secretary should grant post-exchange road access to Plum Creek through the following adjacent or nearby identified parcels of National Forest System land that will remain in Federal ownership:

(i) SELECTED LAND SECTION.—

T___N, R___E, Sec. ___, Willamette Meridian.

1 (ii) ADJACENT OR NEARBY NFS SEC-
 2 TION.—T____N, R____E, Sec. ____; Wil-
 3 lamette Meridian.

4 (B) EASEMENT.—Simultaneously with the
 5 conveyance of the land sections described in
 6 subparagraph (A)(i) to Plum Creek, the Sec-
 7 retary shall, without consideration, grant Plum
 8 Creek a permanent road access easement and
 9 preapproved road route through the adjacent or
 10 nearby National Forest System land section or
 11 sections described in subparagraph (A)(ii).

12 (C) EFFECT ON APPRAISALS.—For pur-
 13 poses of the appraisals under section 5, the se-
 14 lected land sections described in subparagraph
 15 (A)(i) shall be appraised as having available,
 16 but unbuilt, road access.

17 (D) CONSTRUCTION STANDARD.—Unless
 18 the Secretary requests otherwise or Plum Creek
 19 uses its adjacent lands for other than commer-
 20 cial timber purposes, roads constructed by
 21 Plum Creek on easements granted under this
 22 subsection—

23 (i) shall be built to a minimum stand-
 24 ard necessary to accommodate ingress and
 25 egress for purposes of commercial timber

1 harvest on the adjacent Plum Creek lands;

2 and

3 (ii) shall be closed to public use.

4 (c) ACCESS TO LAND ACQUIRED BY UNITED
5 STATES.—

6 (1) IN GENERAL.—Simultaneously with the
7 transfer of the offered land to the United States,
8 Plum Creek shall grant the United States, without
9 consideration, such permanent easements as may be
10 necessary to secure to the United States access for
11 reasonable public use and enjoyment of the offered
12 lands acquired by the United States.

13 (2) LOCATION.—Unless the Secretary and Plum
14 Creek agree otherwise, an easement under this sec-
15 tion shall be located to the extent practicable along
16 roads that are in existence as of the date of enact-
17 ment of this Act.

18 (d) TIMING.—It is the intent of Congress that the
19 land exchange under this Act be consummated not later
20 than 120 days after the date on which Plum Creek makes
21 the Secretary an offer to exchange under section 3(a), un-
22 less the Secretary and Plum Creek agree to extend the
23 consummation date.

24 (e) WITHDRAWAL OF SELECTED LAND.—

1 ~~(1) IN GENERAL.—Effective until the date de-~~
 2 scribed in paragraph (2), Congress withdraws from
 3 all forms of entry and appropriation under the pub-
 4 lic land laws (including the mining laws) any parcel
 5 of selected land—

6 ~~(A) with respect to which such a with-~~
 7 drawal by the Secretary of the Interior has not
 8 been made before the date of enactment of this
 9 Act; or

10 ~~(B) with respect to which such a with-~~
 11 drawal that the Secretary of the Interior has
 12 made expires before the date described in para-
 13 graph (2).

14 ~~(2) DATE DESCRIBED.—With respect to any~~
 15 parcel of land described in paragraph (1), the date
 16 described in this paragraph is the date on which—

17 ~~(A) the parcel is deleted from the exchange~~
 18 under section 4(d) or 5(b)(2); or

19 ~~(B) the land exchange under this Act is~~
 20 consummated.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Interstate 90 Land Ex-*
 23 *change Act of 1998”.*

24 **SEC. 2. FINDINGS AND PURPOSES.**

25 ~~(a) FINDINGS.—Congress finds that—~~

1 (1) *certain parcels of private land located in cen-*
2 *tral and southwest Washington are intermingled with*
3 *National Forest System land owned by the United*
4 *States and administered by the Secretary of Agri-*
5 *culture as parts of the Mt. Baker-Snoqualmie Na-*
6 *tional Forest, Wenatchee National Forest, and Gifford*
7 *Pinchot National Forest;*

8 (2) *the private land surface estate and some sub-*
9 *surface is owned by the Plum Creek Timber Com-*
10 *pany, L.P. in an intermingled checkerboard pattern,*
11 *with the United States or Plum Creek owning alter-*
12 *nate square mile sections of land or fractions of*
13 *square mile sections;*

14 (3) *the checkerboard land ownership pattern in the*
15 *area has frustrated sound and efficient land manage-*
16 *ment on both private and National Forest lands by*
17 *complicating fish and wildlife habitat management,*
18 *watershed protection, recreation use, road construc-*
19 *tion and timber harvest, boundary administration,*
20 *and protection and management of threatened and*
21 *endangered species and old growth forest habitat;*

22 (4) *acquisition by the United States of certain par-*
23 *cels of land that have been offered by Plum Creek for*
24 *addition to the Mt. Baker-Snoqualmie National For-*

1 *est and Wenatchee National Forest will serve impor-*
 2 *tant public objectives, including—*

3 *(A) enhancement of public access, aesthetics*
 4 *and recreation opportunities within or near*
 5 *areas of very heavy public recreational use in-*
 6 *cluding—*

7 *(i) the Alpine Lakes Wilderness Area;*

8 *(ii) the Pacific Crest Trail;*

9 *(iii) Snoqualmie Pass;*

10 *(iv) Cle Elum Lake, Kachess Lake and*
 11 *Keechulus Lake; and*

12 *(v) other popular recreation areas*
 13 *along the Interstate 90 corridor east of the*
 14 *Seattle-Tacoma Metropolitan Area;*

15 *(B) protection and enhancement of old*
 16 *growth forests and habitat for threatened, endan-*
 17 *gered and sensitive species, including a net gain*
 18 *of approximately 28,500 acres of habitat for the*
 19 *northern spotted owl;*

20 *(C) consolidation of National Forest hold-*
 21 *ings for more efficient administration and to*
 22 *meet a broad array of ecosystem protection and*
 23 *other public land management goals, including*
 24 *net public gains of approximately 283 miles of*
 25 *stream ownership, 14 miles of the route of the*

1 *Pacific Crest Trail, 20,000 acres of unroaded*
 2 *land, and 7,360 acres of riparian land; and*

3 *(D) a significant reduction in administra-*
 4 *tive costs to the United States through—*

5 *(i) consolidation of Federal land hold-*
 6 *ings for more efficient land management*
 7 *and planning;*

8 *(ii) elimination of approximately 300*
 9 *miles of boundary identification and post-*
 10 *ing;*

11 *(iii) reduced right-of-way, special use,*
 12 *and other permit processing and issuance*
 13 *for roads and other facilities on National*
 14 *Forest System land; and*

15 *(iv) other administrative cost savings;*

16 *(5) Plum Creek has selected certain parcels of*
 17 *National Forest system land that are logical for con-*
 18 *solidation into Plum Creek ownership utilizing a*
 19 *land exchange because the parcels—*

20 *(A) are intermingled with parcels owned by*
 21 *Plum Creek; and*

22 *(B)(i) are generally located in less environ-*
 23 *mentally sensitive areas than the Plum Creek of-*
 24 *fered land; and*

1 (ii) have lower public recreation and other
2 public values than the Plum Creek offered land;

3 (6) time is of the essence in consummating a
4 land exchange because delays may force Plum Creek
5 to road or log the offered land and thereby diminish
6 the public values for which the offered land is to be
7 acquired; and

8 (7) it is in the public interest to complete the
9 land exchange at the earliest practicable date so that
10 the offered land can be acquired and preserved by the
11 United States for permanent public management, use,
12 and enjoyment.

13 (b) *PURPOSE.*—It is the purpose of this Act to further
14 the public interest by authorizing, directing, facilitating,
15 and expediting the consummation of the Interstate 90 land
16 exchange so as to insure that the offered land is expedi-
17 tiously acquired for permanent public use and enjoyment.

18 **SEC. 3. DEFINITIONS.**

19 *In this Act:*

20 (1) *OFFERED LAND.*—The term “offered land”
21 means all right, title and interest in land described
22 in section 4(b) to be conveyed into the public owner-
23 ship of the United States under this Act.

24 (2) *PLUM CREEK.*—The term “Plum Creek”
25 means Plum Creek Timber Company, L.P., a Dela-

1 *ware Limited Partnership, or its successors, heirs, or*
 2 *assigns.*

3 (3) *SECRETARY.*—*The term “Secretary” means*
 4 *the Secretary of Agriculture.*

5 (4) *SELECTED LAND.*—*The term “selected land”*
 6 *means all right, title and interest in land described*
 7 *in section 4(c) to be conveyed into the private owner-*
 8 *ship of Plum Creek under this Act.*

9 **SEC. 4. LAND EXCHANGE.**

10 (a) *CONDITION AND CONVEYANCE OF OFFERED*
 11 *LAND.*—*The exchange directed by this section shall be con-*
 12 *summated if, not later than 270 days after the date of enact-*
 13 *ment of this Act, Plum Creek conveys acceptable title to the*
 14 *Secretary in and to the following offered land:*

15 (1) *Certain land comprising approximately*
 16 *8,340 acres and located within the exterior boundaries*
 17 *of the Mt. Baker-Snoqualmie National Forest, Wash-*
 18 *ington, as generally depicted on a map entitled*
 19 *“Interstate 90 Land Exchange”, dated September,*
 20 *1998.*

21 (2) *Certain land comprising approximately*
 22 *53,576 acres and located within or adjacent to the ex-*
 23 *terior boundaries of the Wenatchee National Forest,*
 24 *Washington, as generally depicted on a map entitled*

1 *“Interstate 90 Land Exchange”, dated September,*
2 *1998.*

3 (b) *CONVEYANCE OF SELECTED LAND BY THE UNITED*
4 *STATES.—Upon receipt of acceptable title to the offered*
5 *land, the Secretary shall simultaneously convey to Plum*
6 *Creek all right, title and interest of the United States, sub-*
7 *ject to valid existing rights, in and to the following selected*
8 *land:*

9 (1) *Certain land administered, as of the date of*
10 *enactment of this Act, by the Secretary of Agriculture*
11 *as part of the Mt. Baker-Snoqualmie National Forest,*
12 *Washington, and comprising approximately 6,137*
13 *acres, as generally depicted on a map entitled “Inter-*
14 *state 90 Land Exchange”, date September, 1998.*

15 (2) *Certain land administered, as of the date of*
16 *enactment of this Act, by the Secretary of Agriculture*
17 *as part of the Wenatchee National Forest, Washing-*
18 *ton, and comprising approximately 5,197 acres, as*
19 *generally depicted on a map entitled “Interstate 90*
20 *Land Exchange”, dated September, 1998.*

21 (3) *Certain land administered, as of the date of*
22 *enactment of this act, by the Secretary of Agriculture*
23 *as part of the Gifford Pinchot National Forest, Wash-*
24 *ington, and comprising approximately 5,601 acres, as*

1 *generally depicted on a map entitled “Interstate 90*
 2 *Land Exchange”, dated September, 1998.*

3 **SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALI-**
 4 **ZATION.**

5 *(a) EQUAL VALUE EXCHANGE.—*

6 *(1) IN GENERAL.—The values of the offered and*
 7 *selected land—*

8 *(A) shall be equal; or*

9 *(B) if the values are not equal, shall be*
 10 *equalized as set forth in subsections (e)–(g).*

11 *(2) APPRAISALS.—The values of the offered land*
 12 *and selected land shall be determined by appraisals*
 13 *utilizing nationally recognized appraisal standards,*
 14 *including applicable provisions of the Uniform Ap-*
 15 *praisal Standards for Federal Land Acquisitions*
 16 *(1992), the Uniform Standards of Professional Ap-*
 17 *praisal Practice, and section 206(d) of the Federal*
 18 *Land Policy and Management Act of 1976, as amend-*
 19 *ed (43 U.S.C. 1716(d)).*

20 *(3) APPROVAL BY THE SECRETARY.—The ap-*
 21 *praisals, if not already completed by the date of en-*
 22 *actment of this Act, shall be completed and submitted*
 23 *to the Secretary for approval not later than 180 days*
 24 *after the date of enactment of this Act: Provided, how-*

1 *ever, That all timber activities cease no later than*
2 *November 30, 1998.*

3 *(b) APPRAISAL ASSUMPTION.—*

4 *(1) FINDINGS.—Congress finds that—*

5 *(A) many of the parcels of offered land and*
6 *selected land are located within areas that have*
7 *been or may be designed as critical habitat for*
8 *species determined to be threatened or endan-*
9 *gered under the Endangered Species Act of 1973*
10 *(16 U.S.C. 1531 et. seq.); and*

11 *(B) such a designation can make tradi-*
12 *tional appraisals of land difficult absent specific*
13 *guidance from Congress due to present and fu-*
14 *ture uncertainties relating to the duration, scope*
15 *and nature of restrictions that may be imposed*
16 *on the offered or selected land as a result of such*
17 *designation with respect to future timber harvest*
18 *and other development activities.*

19 *(2) APPRAISAL AT HIGHEST AND BEST USE*
20 *VALUE.—In order to ensure the equitable and uniform*
21 *appraisal of both the offered and selected lands di-*
22 *rected for exchange by this Act, all appraisals under*
23 *subsection (a) shall determine the highest and best use*
24 *of the offered and selected land. The appraisal of the*
25 *timber estate shall be in accordance with applicable*

1 *provisions of the Washington State Forest Practices*
 2 *Act and rules and regulations thereunder, including*
 3 *alternative measures for protecting critical habitat*
 4 *pursuant to a habitat conservation plan as provided*
 5 *in Washington Administrative Code 222-16-080-(6).*

6 (c) *APPRAISAL PERIOD.*—*After the final appraised*
 7 *values of the offered and selected lands, or any portion of*
 8 *the land, has been approved by the Secretary or otherwise*
 9 *determined under Section 206(d) of the Federal Land Pol-*
 10 *icy and Management Act (43 U.S.C. 1716(d)), the value*
 11 *shall not be reappraised or updated before consummation*
 12 *of the land exchange, except for any adjustments under sub-*
 13 *section 6(g).*

14 (d) *EQUALIZATION IF SURPLUS OF OFFERED LAND.*—

15 (1) *IN GENERAL.*—*If the final appraised value of*
 16 *the offered land exceeds the final appraised value of*
 17 *the selected land, Plum Creek shall delete offered land*
 18 *parcels from the exchange in the exact order each land*
 19 *Section (or offered portion thereof) is listed in para-*
 20 *graph (2) until the values are approximately equal.*

21 (2) *ORDER OF DELETION.*—*Offered land dele-*
 22 *tions under paragraph (1) shall be made in the fol-*
 23 *lowing order:*

24 (A) *Township 22 North, Range 13 East,*
 25 *Section 31, Willamette Meridian.*

1 (B) Township 21 North, Range 11 East,
2 Section 35.

3 (C) Township 19 North, Range 11 East,
4 Section 35.

5 (D) Township 19 North, Range 12 East,
6 Section 1.

7 (E) Township 20 North, Range 11 East,
8 Sections 1 and 13.

9 (F) Township 19 North, Range 12 East,
10 Section 15.

11 (G) Township 20 North, Range 11 East,
12 Section 11.

13 (H) Township 21 North, Range 11 East,
14 Section 27.

15 (I) Township 19 North, Range 13 East,
16 Sections 27 and 15.

17 (J) Township 21 North, Range 11 East,
18 Sections 21 and 25.

19 (K) Township 19 North, Range 11 East,
20 Section 23.

21 (L) Township 19 North, Range 13 East,
22 Sections 21, 9, and 35.

23 (M) Township 20 North, Range 12 East,
24 Sections 35 and 27.

1 (N) Township 19 North, Range 12 East,
2 Section 11.

3 (O) Township 21 North, Range 11 East,
4 Section 17.

5 (e) EQUALIZATION IF SURPLUS OF SELECTED
6 LAND.—

7 (1) IN GENERAL.—If the final appraised value of
8 the selected land exceeds the final appraised value of
9 the offered land the Secretary shall delete selected land
10 parcels from the exchange in the exact order each land
11 Section (or selected portion thereof) is listed in para-
12 graph (2) until the values are approximately equal.

13 (2) ORDER OF DELETION.—Selected land dele-
14 tions under paragraph 1 shall be made in the follow-
15 ing listed order:

16 (A) Township 21 North, Range 14 East,
17 Sections 28, 22, 36, 26, and 16, Willamette Me-
18 ridian.

19 (B) Township 18 North, Range 15 East,
20 Sections 13, 12, and 2.

21 (C) Township 18 North, Range 15 East,
22 Section 1.

23 (D) Township 18 North, Range 15 East,
24 Section 17.

1 (E) Township 20 North, Range 11 East,
2 Section 30.

3 (F) Township 19 North, Range 11 East,
4 Section 6.

5 (G) Township 20 North, Range 11 East,
6 Section 32.

7 (f) Once the values of the offered and selected lands
8 are equalized to the maximum extent practicable under sub-
9 sections (d) or (e), any balance due the Secretary or Plum
10 Creek shall be made through cash equalization payments
11 under subsection 206(b) of the Federal Land Policy and
12 Management Act of 1976 (43 U.S.C. 1716(b)).

13 (g) *USE OF PROCEEDS BY THE SECRETARY.*—The
14 amount of any cash equalization payment received by the
15 Secretary under this Section shall be retained by the Sec-
16 retary and shall be used by the Secretary until fully ex-
17 pended to purchase land from willing sellers in the State
18 of Washington for addition to the National Forest System.

19 **SEC. 6. MISCELLANEOUS PROVISIONS.**

20 (a) *STATUS OF LANDS AFTER EXCHANGE.*—

21 (1) *LAND ACQUIRED BY THE SECRETARY.*—

22 (A) *IN GENERAL.*—Land acquired by the
23 Secretary under this Act shall become part of the
24 Mt. Baker-Snoqualmie, Gifford Pinchot or
25 Wenatchee National Forests, as appropriate.

1 (B) *MODIFICATION OF BOUNDARIES.*—If
 2 any land acquired by the Secretary lies outside
 3 the exterior boundaries of the national forests
 4 identified in subparagraph (A), the boundaries
 5 of the appropriate national forest are hereby
 6 modified to include such land.

7 (C) *MANAGEMENT.*—Land acquired by the
 8 Secretary under this Act shall be managed in ac-
 9 cordance with the Act of March 1, 1911 (com-
 10 monly known as the “Weeks Law”), and with the
 11 other laws, rules, regulations and guidelines ap-
 12 plicable to the National Forest System.

13 (2) *LAND ACQUIRED BY PLUM CREEK.*—Land ac-
 14 quired by Plum Creek under this Act shall become
 15 private land for all purposes of law, unless the deed
 16 by which conveyance is made to Plum Creek contains
 17 a specific reservation.

18 (b) *ACCESS TO LAND ACQUIRED BY PLUM CREEK.*—

19 (1) *FINDING.*—Congress finds that Plum Creek
 20 will generally have adequate post-exchange access to
 21 the selected land over existing primary, secondary, or
 22 other national forest routes, or over existing Plum
 23 Creek roads.

1 (2) *INTENTION.—It is the intention of Congress*
 2 *that Plum Creek have immediate access to all lands*
 3 *it acquired under this Act:*

4 (A) *ACCESS WITHIN COST SHARE AGREE-*
 5 *MENT AREAS.—Within Cost Share Construction*
 6 *and Use Agreement Areas, the United States*
 7 *shall grant Plum Creek, simultaneous with the*
 8 *transfer of the selected land to Plum Creek, road*
 9 *access easements in accordance with the terms*
 10 *and conditions of said cost share construction*
 11 *and use agreements for the roads identified on*
 12 *the map entitled “Plum Creek Access Road*
 13 *Needs”, dated September 1998.*

14 (B) *ACCESS OUTSIDE COST SHARE AGREE-*
 15 *MENT AREAS.—Outside of Cost Share Construc-*
 16 *tion and Use Agreement Areas, the United States*
 17 *shall grant Plum Creek, simultaneous with the*
 18 *transfer of the selected land to Plum Creek, road*
 19 *access easements in a form set out in Forest*
 20 *Service Handbook 2709.12, 35, subject to the*
 21 *Secretary’s rules and regulations 36 CFR 251,*
 22 *subpart B.*

23 (c) *ACCESS TO LANDS ACQUIRED BY UNITED*
 24 *STATES.—It is the intent of Congress that the Secretary*
 25 *have post-exchange access to the land acquired by the*

1 *United States under this Act. Within Cost Share Construc-*
 2 *tion and Use Agreement Areas, Plum Creek shall grant the*
 3 *Secretary, simultaneous with the transfer of the offered*
 4 *land, road access easements in accordance with the terms*
 5 *and conditions of said Cost Share Construction and Use*
 6 *Agreements. Outside of Cost Share Construction and Use*
 7 *Agreement Areas, Plum Creek shall grant the Secretary, si-*
 8 *multaneous with the transfer of the offered land, road access*
 9 *easements in a format acceptable to the Secretary.*

10 (d) *TIMING.—It is the intent of Congress that the land*
 11 *exchange authorized and directed by this Act be con-*
 12 *summated no later than 90 days after the date on which*
 13 *Plum Creek conveys title acceptable to the Secretary, unless*
 14 *the Secretary and Plum Creek mutually agree to extend the*
 15 *consummation date.*

16 (e) *WITHDRAWAL OF SELECTED LAND.—Effective*
 17 *upon the date of enactment of this Act, all selected land*
 18 *identified for exchange to Plum Creek under Section 4(c)*
 19 *is hereby withdrawn from all forms of entry and appropria-*
 20 *tion under the public land laws (including the mining*
 21 *laws) until such time as the exchange is consummated, or*
 22 *until a particular parcel or parcels are deleted from the*
 23 *exchange under section 5(e).*

24 (f) *WITHDRAWAL OF CLE ELUM RIVER LANDS.—*
 25 *Lands acquired by the Secretary under this Act that are*

1 *located in Township 23 North, Range 14 East, and Town-*
 2 *ship 22 North, Range 14 East, Willamette Meridian, shall*
 3 *upon the date of their acquisition be permanently with-*
 4 *drawn from all forms of entry and appropriation under*
 5 *the public land laws, including the mineral, mineral leasing*
 6 *and hardrock mining laws.*

7 *(g) PARCELS SUBJECT TO HISTORIC OR CULTURAL*
 8 *RESOURCE RESTRICTIONS.—*

9 *(1) REPORT TO PLUM CREEK.—No later than*
 10 *180 days after enactment of this Act, the Secretary*
 11 *shall complete determinations and consultation under*
 12 *the National Historic Preservation Act and submit a*
 13 *report to Plum Creek listing by exact aliquot part de-*
 14 *scription any parcel or parcels of selected land on*
 15 *which use restrictions or mitigation requirements will*
 16 *be imposed. Such report shall include an exact de-*
 17 *scription of each restriction or mitigation action re-*
 18 *quired.*

19 *(2) PLUM CREEK RESPONSE.—Prior to making*
 20 *an offer to exchange under section 4(a) of this Act,*
 21 *Plum Creek shall notify the Secretary as to: (i) those*
 22 *parcels it will accept subject to the identified use re-*
 23 *strictions or mitigation requirements; and (ii) those*
 24 *parcels it will not accept because the restrictions or*

1 *mitigation requirements are deemed by Plum Creek to*
2 *be an unacceptable encumbrance on the land.*

3 (3) *PARCEL DELETION.—The Secretary shall de-*
4 *lete from the selected land those parcels identified by*
5 *Plum Creek as unacceptable for conveyance under*
6 *paragraph (2).*

7 (4) *APPRAISAL ADJUSTMENT.—The fair market*
8 *value of any parcels deleted under paragraph (3), or*
9 *any modification in fair market value caused by the*
10 *use restrictions or mitigation requirements on land*
11 *accepted by Plum Creek, shall based on their con-*
12 *tributory value to the final approved appraised value*
13 *of the selected land.*